THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9693 of 2007

Date: 01.5.2007

Between:

M.Ravi Kumar.

....Petitioner

and

The Sub-Registrar, Gopalapatnam, Visakhapatnam
And another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9693 of 2007

O R D E R:

Petitioner states that he is the owner and possessor of land admeasuring 588 square yards in Sy.Nos.140/2 of Vepagunta Village, Visakhapatnam District. It is also stated that he intended to sell the said land, and approached the second respondent with a request to furnish the details of market value and registration charges. The grievance of the petitioner is that the second respondent is not inclined to furnish the market value on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of certain lands and, therefore, they are not registering any document pertaining to the properties mentioned in the notification. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

1.5.2007
msv

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77